

REMARKS

Claims 1-4, 6-20, 25-40 are pending in the application with Claims 1, 8, 15, 21, 37, 38, 39 and 40 being in independent form. By the present amendment, Claims 38 and 40 have been cancelled, Claims 1, 8, 15, 28, 37 and 39 have been amended, and new Claims 41 and 42 have been added. New Claims 41 and 42 depend from Claims 37 and 39, respectively, and incorporate subject matter included in cancelled Claims 38 and 40.

Applicants gratefully acknowledge the allowance of Claims 1-4, 6-20 and 25-36 if rewritten or amended to overcome the objections set forth in the Office Action dated September 23, 2003. Applicants have amended several of these claims as presented above and detailed below in a manner which is believed to obviate all the objections and place these claims in condition for allowance.

I. Objection to Claims 1, 8, 15, 28 and 37

Claims 1, 8, 15, 28 and 37 have been amended in response to the Examiner's objections and in accordance with the Examiner's suggestions. The Examiner has stated that Claims 1-4, 6-20 and 25-36 would be allowable if amended to overcome the objections. Accordingly, Claims 1-3, 6-20 and 25-36 are believed to overcome the Examiner's objections, and allowance thereof is respectfully requested.

II. Nonstatutory Double Patenting Rejection of Claims 37-40

Claims 37-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 11 of U.S. Patent No. 6,415,982, issued to Bridgelall et al. and assigned to the same assignee as the present invention ("Bridgelall 982") Claims 38 and 40 have been cancelled and Claims 37 and 39 have

been amended in a manner believed to obviate the rejection. Specifically, amended Claim 37 recites a support having a predetermined form factor; at least one auto ID reader supported by the support, and operative for sensing encoded data on a record carrier positioned near or in contact with the at least one reader and for generating at least one first analog signal relating to the sensing; a radio frequency (RF) transceiver supported by the support, and operative for receiving and processing data from a remote source and generating at least one second analog signal relating to the processing; and a signal processing circuitry including at least one component for receiving, processing and digitizing the at least one first and second analog signals, wherein a component of the at least one component performs at least one of signal processing and digitizing on signals included in both of the at least one first and second analog signals. Claim 39 includes similar recitations.

“Bridgelall 982” discloses a device having a support, a plurality of data collectors on the support for collecting a plurality of data; an actuatable transceiver on the support, for transmitting the plurality of data by wireless communication to a host remote from the support; and a triggering circuit for independently, manually actuating the transceiver to transmit one of the data during a first actuation of the triggering circuit and to transmit another of the data during a second actuation of the triggering circuit.

“Bridgelall 982” does not disclose or suggest at least one auto ID reader generating at least one first analog signal relating to sensing, a transceiver generating at least one second analog signal relating to received processed data, and a signal processing circuitry including at least one component for receiving, processing and digitizing the at least one first and second analog signals, wherein a component of the at least one

component performs at least one of signal processing and digitizing on signals included in both of the at least one first and second analog signals, as recited by Applicants' Claim 37 and 39.

On the contrary, "Bridgelall 982" discloses the transceiver transmitting data collected by the plurality of data collectors to a remote host. Generation of analog signals and digitization thereof is not disclosed, and a component performing at least one of signal processing and digitizing on analog signals generated by both the data collector and the transceiver is not disclosed or suggested. Therefore, it is believed that Claims 37 and 39 are believed to be patentably distinct over "Bridgelall 982", and allowance thereof is respectfully requested. Dependent Claims 41 and 42 depend from Claims 37 and 39, respectively and thus are limited by the language found therein. Accordingly, for at least the reasons given above for Claims 37 and 39, Claims 41 and 42 are believed to be patentably distinct over "Bridgelall 982", and allowance thereof is respectfully requested.

III. Rejection of Claims 37-40 Under 35 U.S.C. §102(b)

Claims 37-40 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,640,002 issued to Ruppert et al. ("Ruppert et al."). Claims 38 and 40 have been cancelled and Claims 37 and 39 have been amended in a manner believed to obviate the rejection.

Ruppert et al. discloses a device having modules including an RF transceiver, a bar code reader, an RFID tag reader and a card reader, where the card reader communicates with multiple circuits for providing multiple functions including contact smart card reading, a non-contact smart card reading and magnetic stripe reading.

Ruppert et al. does not disclose or suggest the modules generating first and second analog signals provided to signal processing circuitry, or a signal processing circuitry including at least one component for receiving, processing and digitizing the at least one first and second analog signals. Furthermore, Ruppert et al. does not disclose or suggest a component performing at least one of signal processing and digitizing on analog signals generated by both of the RF transceiver and at least one auto ID reader, as recited by Applicants' Claim 37 and 39.

Therefore, it is believed that Claims 37 and 39 are believed to be patentably distinct over Ruppert et al., and allowance thereof is respectfully requested. Dependent Claims 41 and 42 depend from Claims 37 and 39, respectively and thus are limited by the language found therein. Accordingly, for at least the reasons given above for Claims 37 and 39, Claims 41 and 42 are believed to be patentably distinct over Ruppert et al., and allowance thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-4, 6-20, 25-37, 39, 41 and 42 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at the number indicated below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George Likourezos".

George Likourezos
Attorney for Applicants
Reg. No. 40,067

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road – Suite 225
Melville, New York 11747
(631) 501-5708
(631) 501-3526